

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE:	February 16, 2000
TIME:	9:00 am
PLACE:	DLNR Board Room Kalanimoku Bldg.

Chairperson Timothy E. Johns called the meeting of the Commission on Water Resource Management to order at 9:14 a.m.

The following were in attendance:

MEMBERS:	Mr. Timothy Johns, Mr. Robert Giraldo, Mr. Brian Nishida, Mr. David Nobriga, Mr. Herbert Richards, Jr.
EXCUSED:	Dr. Bruce Anderson
STAFF:	Ms. Linnel Nishioka, Mr. Roy Hardy, Mr. Ed Sakoda, Mr. Dean Nakano, Mr. Dean Uyeno, Mr. David Higa, Ms. Lenore Nakama, Mr. Glenn Bauer, Mr. Neal Fujii, Mr. Charley Ice, Ms. Faith Ching
COUNSEL:	Edsel Yamada
OTHERS:	Karen Piltz, Felix Limtiaco, Rebecca Alakai, Ulalia Woodside, Sherry Samuels, Manabu Tagomori, Mike Kido, Steve Anthony, Anne Brasher, Martha Black, Bill Devick, Rodney Funakoshi, George Kuo, Dudley Kubo, Jim Parham, Mike Fitzsimmons, Bob Nishimoto, Susan Miller, Barry Usagawa, Dan Lum, Dick Cox, Rosemary Chiu, Mark Morita

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties. The items were not taken in the order posted on the agenda.

1. Minutes of the January 26, 2000 meeting

MOTION: (Nobriga/Richards)
To approve the minutes.
UNANIMOUSLY APPROVED.

2. Old Business/Announcements

Deputy Director Linnel Nishioka gave a report on the current status on two of the Commission's legislative bills. Senate Bill 2915 and House Bill 2574 are to set up a special fund for the Water Commission and Senate Bill 2917 and House Bill 2576 are to obtain a portion of the revenue from the water licenses issued by the Land Division. Both bills have passed the subject committees. They now go to the House and Senate finance committees. Senator Akaka's bill passed out of the subject committee and will now go to the full Senate for consideration. Representative Abercrombie will also introduce a companion bill in the House.

Deputy Director Nishioka also made note of a water tax bill. This is a watershed protection bill. It is basically for watershed protection programs. We are trying to include the Water Commission's programs. This bill has passed out of the subject matter committees in the House and Senate. It is being considered for decision making in the House and Senate money committees. The Water Commission is in support of this bill because it will support departmental programs, including Water Commission programs.

Another bill relating to the watershed management bill which Commissioner Nobriga asked about is to establish individual watershed councils on each of the islands. There are some concerns about how the bill is structured, although the concept is excellent because it will increase community input. That bill was not heard in the House and is being held in the Water, Land and Hawaiian Affairs Committee.

Deputy Director Nishioka stated that staff is working towards organizing a State task force in drought mitigation. The Governor has designated the Commission along with ten other State agencies to be on a statewide committee for drought planning. This task force would establish a statewide drought plan to prepare and become aware in case of a severe drought. This task force is in conjunction with the Federal Bureau of Reclamation who is assisting the State with an upcoming drought mitigation conference on March 28-29, 2000. If the Bureau of Reclamation monies do become available, this plan will assist the Commission and other state agencies to implement the plan in times of drought.

3. **Briefing by James E. Parham of Louisiana State University on the Progress of Their Project, "Use of Geographic Information System (GIS) Analysis in Water Resource Planning, Management, and Allocation Issues in the Hawaiian Islands"**

Jim Parham showed a slide presentation on the status of their project which is funded by the Division of Aquatic Resources.

The project uses GIS analysis to assess the effect of changes in water flow on available habitat for stream animals. A GIS approach allows a spatial model to be

developed which blends ecological theory with site specific considerations to produce quantifiable predictions over wide range of conditions. The model has the ability to integrate forestry, agriculture and urban planning issues. It will be used to predict the amount of native stream-fish habitat based on watershed characteristics, stream morphology, and water flow regimes.

4. Adoption of the Statewide Framework for Updating the Hawaii Water Plan

PRESENTATION OF SUBMITTAL: Dean Nakano

RECOMMENDATIONS:

Staff recommends that the Commission:

1. Adopt the Statewide Framework for Updating the Hawaii Water Plan, as amended.
2. Authorize staff to conduct meetings and/or workshops, as necessary, with pertinent state and county agencies to implement the provisions of the framework.
3. Direct staff to continue its public outreach efforts to educate and inform the public and stakeholders regarding the Hawaii Water Plan and its component parts, including posting of the final framework document on the Commission's Website to facilitate public access by interested parties.
4. Notify the Honolulu Board of Water Supply regarding the adoption of the framework and the requirement for submission of a Project Description to the Commission for review and approval prior to updating of the Oahu Water Use and Development Plan.

Chairperson Johns along with the Commissioners thanked Mr. Nakano personally for all his excellent work and diligence in moving the framework forward.

Commissioner Richards asked if the recommendation should state that the framework be revisited at a specified time so the public is kept up to date on any changes.

Mr. Nakano stated that the provision for regularly updating the framework is incorporated in the framework document.

MOTION: (Girald/Richards)

To approve the submittal.

UNANIMOUSLY APPROVED.

5. John and Miyo Hee Lee Ko, Declaratory Ruling of Appurtenant Water Rights, Lapalapakea Auwai, Nuuanu, Honolulu, Oahu (TMK: 1-8-03:24, 25, 27)

PRESENTATION OF SUBMITTAL: Deputy Director Linnel Nishioka

RECOMMENDATIONS:

Staff recommends that the Commission issue a declaratory ruling of appurtenant water rights for the Ko property located at 55 Kawananakoa Place, Honolulu, Hawaii, TMK Nos. 1-8-3-24, 25, and 27.

Before hearing testimonies, Chairperson Johns stated that he would like to confer with counsel on matters relating to this submittal. He also stated for the record that testimony of Mr. Ronald Yee has been received in opposition and he has raised some serious concerns. Testimony from Native Hawaiian Legal Corporation was also received in support of staff recommendation.

TESTIMONY BY APPLICANT:

Maureen Ko testified in favor of the declaratory ruling because of her interest in restoring the water to their auwai.

TESTIMONIES:

Mr. Ronald Yee's testimony was not to register a formal objection but asked the Commission what was the precise meaning of the proposed declaratory ruling of appurtenant water rights and what are the legal ramifications of issuing such a ruling.

Mr. Richard Bento, President of Hawaii Baptist Academy, gave a brief history of the auwai. For the purpose of educational curriculum, the school would like to maintain the auwai.

Commissioner Girald requested a recess at 10:50 am.
The meeting was reconvened at 11:02 am.

Mrs. Morgan stated that she would love to see the auwai flowing and gave some of the luster of the auwai.

Sheila Sakashita, representing the Ko's, referenced the Hawaii Revised Statutes and the State Water Code regarding appurtenant water rights and hoped that the Commission would approve the submittal.

Chairperson Johns asked for a motion to enter into Executive Session at 11:13 am to confer with legal counsel on legal issues pertaining to this submittal.

MOTION: (RICHARDS/NOBRIGA)
UNANIMOUSLY AGREED TO ENTER INTO EXECUTIVE SESSION.

Chairperson Johns reconvened the meeting at 11:36 am.

A Motion to defer was made.

MOTION: (RICHARDS/GIRALD)
To defer the submittal.
UNANIMOUSLY AGREED TO DEFER.

Chairperson Johns asked for a motion to adjourn.

MOTION: (NOBRIGA/GIRALD)
UNANIMOUSLY AGREED.

This meeting was adjourned at 11:38 a.m.

Respectfully submitted,

FAITH F. CHING
Secretary

APPROVED AS SUBMITTED:

LINNEL T. NISHIOKA
Deputy Director